

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MATTHEW DEYELL, individually
and on behalf of all others similarly
situated,

Plaintiff,

vs.

HISENSE USA CORP.,

Defendants.

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) Case No.
)

) **Complaint – Class Action**
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) JURY TRIAL DEMANDED
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CLASS ACTION COMPLAINT

Plaintiff Matthew Deyell (“Plaintiff” or “Mr. Deyell”), on behalf of himself and all others similarly situated, by and through his undersigned counsel, brings this action against Hisense USA Corp. For his Complaint, Plaintiff alleges the following based on personal knowledge as to his own acts and on the investigation conducted by counsel as to all other allegations:

NATURE OF THE ACTION

1. Plaintiff brings common law warranty claims and claims under the Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301, *et seq.* and N.Y. Gen. Bus. Law § 349, *et seq.*, against Defendant Hisense USA Corp. (“Hisense”).

2. This action arises from the sale of thousands of year 2019 – present Hisense 4K Android Smart TVs, including Android TV/Google TV variants of the

H8, F and G series, H9, F and G series, H65, U6, including the U6H and U6K models, U8, including the U8N, and the A6 series (collectively, the “Class Smart TVs”) throughout New York and the United States that were manufactured by Defendant Hisense with a defective main board, causing the Class Smart TVs to suffer performance issues, such as lagging, sluggishness, and continuous crashing of the software (the “Main Board defect” or “the Defect”).

3. All Class Smart TVs share the same defective condition that Hisense failed to disclose to Plaintiff, consumers, and Class Members.

4. The Class Smart TVs use the Android TV/Google TV operating system (“Google OS”) that features user interface technologies for navigating and interacting with the Class Smart TVs, such as for downloading and installing applications, internet browsing, updating software, and playing music and video, among other things. Processing of these functions is handled by a four-core processor, where a higher number of cores allows for the handling of more input instructions and higher performance.

5. Firmware updates to the Google OS are downloaded through an internet connection and perform a number of possible functions, such as to address glitches and stability issues, and/or to provide security patches.

6. Plaintiff’s and Class Members’ Class Smart TVs became sluggish a few months after purchase. For some, these performance issues were exacerbated

following firmware updates received from Hisense on or after July 2020, when the television's operating system was updated, such as from Android 8 to Android 9. These performance issues include slow or unresponsive inputs, inability to download or launch apps, reset to factory settings, or turn on the TV.

7. Hisense sold and continues to sell the Class Smart TVs despite its awareness of the Defect. Hisense chose and continues to choose financial gain at the expense of consumers by concealing and omitting a disclosure of this critical main board component failure to consumers who purchase the Class Smart TVs.

8. Despite its knowledge, Hisense has failed to issue a recall of the inherently defective main boards or reimburse Class Smart TV owners for the inevitable failure of this critical part. Instead, Hisense denies there is a problem or ignores customer queries from affected customers.

9. As such, on information and belief, owners of Class Smart TVs have been turned away from receiving repairs when they notify Hisense of the condition of their Class Smart TVs for diagnosis and repair.

10. There are likely thousands of Class Smart TVs that will not be recalled but that are at risk of experiencing the Defect. This is a major safety concern because Class Smart TVs that are not timely updated are at risk of security exploits that firmware updates could be intended to address, among other things. Because of these devices' internet connection, there exists a potential data risk to un-updated or

improperly updated Class Smart TVs, since payment information could be stored on the Class Smart TVs themselves to allow for convenient purchases.

11. Because the Defect can manifest shortly outside of the warranty period for the Class Smart TVs—and given Hisense’s knowledge of this concealed, safety-related defect—Hisense’s attempt to limit the warranty as detailed herein with respect to the Main Board defect is unconscionable and unenforceable.

12. Plaintiff and Class Members have suffered harm because of Hisense’s decision not to disclose the Defect by overpaying for their Class Smart TVs and by paying significant sums for Hisense to attempt, and fail, to properly diagnose and repair their Class Smart TVs that exhibit the Main Board defect. Plaintiff and Class Members have also expended time in attempting to have the Main Board defect repaired.

13. Hisense has long known of the Defect and that the Class Smart TVs’ main boards are not fit for their intended purpose, as detailed at length in the factual background section below.

14. Hisense actively concealed and/or failed to notify the public of the existence and nature of the Defect and of the safety hazard created by the Defect. Hisense has not recalled the Class Smart TVs to replace the main boards; it has not offered to replace the main boards to its customers free of charge; and it has not offered to reimburse owners, present or past, who have incurred costs relating to

diagnosing and repairing issues arising from the Main Board defect. Hisense's conduct violates well-established consumer protection laws in New York and constitutes a continuous breach of its warranties to Plaintiff and consumers in the United States.

15. Plaintiff brings this action on behalf of himself and all those similarly situated ("Class," "Class Members," "Consumers," "Owners") for Hisense's breach of its warranties across the United States and Hisense's deceptive trade practices in violation of the consumer protection laws of New York.

16. On behalf of the Class he seeks to represent, Plaintiff seeks an award of damages over \$5,000,000, including the costs of inspecting and replacing the defective main boards and equitable relief, and an order requiring Hisense to adequately disclose and repair the Defect. Furthermore, Plaintiff seeks damages, injunctive and declaratory relief, restitution, disgorgement of profits, attorneys' fees and costs, punitive damages, and the repair, replacement, or refund of money paid to own all Class Smart TVs purchased in New York.

PARTIES

17. Plaintiff Matthew Deyell is a citizen and resident of New York, New York.

18. Defendant Hisense USA Corp. is a Georgia company with its principal place of business at 7310 McGinnis Ferry Road, Suwanee, Georgia 30024. Defendant

designs, manufactures and sells televisions throughout the United States, including in the State of New York, under the Hisense brand name. Hisense does business in New York, advertising, distributing, and selling its televisions through its retail network and other outlets in the State.

JURISDICTION AND VENUE

19. This action is properly before this Court, and this Court has subject matter jurisdiction over this action under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2) and (6) because: (a) there are 100 or more class members; (b) there is an aggregate amount in controversy exceeding \$5,000,000.00 exclusive of interest and costs; and (c) there is minimal diversity because at least one plaintiff and one defendant are citizens of different states.

20. This Court has diversity jurisdiction under 28 U.S.C. § 1332 because there is complete diversity of named Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.

21. This Court has general and specific jurisdiction over the Defendant. Defendant has sufficient minimum contacts within the State of Georgia and this District because Defendant purposefully availed itself of the privileges of conducting business in this State and District; because Defendant regularly conducts and solicits business within this State and District; and because Plaintiff's causes of action arise directly from Defendant's business decisions, contacts, and other activities in this

State and District. Further, this Court has personal jurisdiction over Defendant because it is incorporated in Georgia and has purposefully availed itself of the privileges and benefits of the laws of the State of Georgia.

22. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because Defendant is subject to personal jurisdiction within the Northern District of Georgia and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this District, including: Defendant's decision directing Plaintiff to visit a Hisense-approved repair shop in New York for diagnosis of his defective main board, and Defendant's decision to deny a repair, replacement, or reimbursement of Plaintiff's defective main board. Additionally, Hisense distributes Class Smart TVs in this District, receives substantial compensation and profits from the sale of Class Smart TVs in this District, and continues to conceal the Defect through statements made in this District.

FACTUAL BACKGROUND AND SUBSTANTIVE ALLEGATIONS

23. Hisense manufactures, markets, distributes, and warrants televisions in the United States sold under the Hisense brand. This lawsuit concerns model year 2019 – present Hisense 4K Google OS Smart TVs, including the H8, F and G series, H9, F and G series, H65, U6, including the U6H and U6K models, U8, including the U8N, and the A6 series, sold to consumers in the United States, including Plaintiff's television.

THE DEFECT

24. Hisense, directly and through its authorized retail partners, failed to disclose to Class Members and the public that the Class Smart TVs contain defective main boards that render the televisions unfit for their intended purpose. This omission allowed Defendant Hisense to sell the Class Smart TVs and profit from their sale. However, Hisense knew that the main boards contained a dangerous, inherent defect from the point of manufacture that caused the Class Smart TVs to exhibit the “Main Board” defect.

25. A television’s main board is a circuit board connecting the audio and video inputs and outputs. As well as processing these signals, the main board tells the power board to turn on the backlight, turn off the TV, and apply the appropriate voltage for the rest of the system. *See* “General TV Board Descriptions and Their Failure,” *iFixit.com*, www.ifixit.com/Wiki/General_TV_board_descriptions (last accessed October 19, 2022).

26. Hisense’s notice of the Defect derived from, among other things, both Hisense’s own knowledge of the material, design, and manufacture of the part, and outside feedback, directly and through its retail partners, from its customers during repairs, complaints made through its own website, and complaints on websites of retail partners and social media monitored by Hisense.

A. Hisense knew the Defect through multiple consumer complaints.

27. Hisense’s website directs prospective customers to purchase the Class Smart TVs through its retail partners, including Best Buy, Amazon, Walmart, BrandsMart USA, Electronic Express, and, the retail partner from whom Plaintiff Deyell purchased his unit, P.C. Richards & Son. *See* “Quantum 4K ULED Hisense Android Smart TV 2020,” *Archive.org*, http://web.archive.org/web/20210120101513/https://www.hisense-usa.com/tv-and-audio/televisions/all-tvs/55H8G_quantum-4k-uled-hisense-android-smart-tv-2020/ (last accessed August 26, 2024).

Find Me At A Store

Check with these retailers for product availability.



28. Collectively, customer reviews left on the websites of Hisense’s retail partners amount to hundreds of complaints related to the Class Smart TVs’ poor performance.

29. As the complaints make clear, Hisense customers have long put the company on notice of the defective performance of its Class Smart TVs.

30. A smart TV with the bevy of performance issues detailed below frustrates the essential purpose of the Class Smart TVs, which is to switch quickly and effectively between streaming apps and display the user's chosen content.

31. Sluggish performance, shutdowns, and reboots significantly interfere with a purchaser's ability to operate their Class Smart TV in a way the reasonable consumer expects. Below is a sampling of customer complaints from retailers.

★☆☆☆☆ **Hisense android tv**

✔ **Verified Purchase** | Posted 8 months ago. Owned for 1 year when reviewed.

This reviewer received promo considerations or sweepstakes entry for writing a review.

Tv have software issues and is very laggy. The viewing experience is good though

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Claim is gonna take forever**

✔ **Verified Purchase** | Posted 7 months ago. Owned for 3 months when reviewed.

This reviewer received promo considerations or sweepstakes entry for writing a review.

I bought my tv on September 2023 and on January 3rd of 2024 my tv did a software update, after that it just turns on and off so i called for manufacturer warranty service i waited for a week just to get it done and unfortunately it's unrepairable. The tech people was nice and i was expecting they will replace it but on January 13 i received a call stating that they will refund me abd the worst part is i have to wait for another 2-4 business weeks just to get my refund. It's already the 19th of January and i have to wait for weeks to get this settled. I gave 1 star not because of customer service or tech people. Its the processing time to get things settled.

★☆☆☆☆ **Only worked for 6 months.**

✔ **Verified Purchase** | Posted 8 months ago. Owned for 5 months when reviewed.

This reviewer received promo considerations or sweepstakes entry for writing a review.

It was working fine but 6 months and it's broken because of their **update**. It won't connect to the internet, the picture quality is horrible now, I don't even think it reaches 1080. Unacceptable for a brand new TV. My Samsung from 2014 has NEVER given me issues. I'm going back to Samsung when I can.

✗ No, I would not recommend this to a friend

★★★★☆ **4K display is OK, but native OS is extremely laggy**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 1 year when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

It's an affordable 4K TV. We have had it for over a year now, and I felt compelled to write a cautionary tale review. The native OS interface is terrible. Don't purchase this TV if you plan to rely upon the Android TV service to connect to your streaming media. The menu and interface suffers from extreme lag time, and the OS is clearly lacking sufficient memory and storage to function adequately. We ended up purchasing an Amazon Fire stick for this TV which we now exclusively use for all content on this TV. The picture quality is good, but the onboard audio is terrible. External speakers or a soundbar is a must. But if all you need is a cheap 4K display, this might be a good buy.

✗ No, I would not recommend this to a friend

★★★★☆ **Feature set is nice but you need to know this...**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 3 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

The picture looks great and it has all the smart apps I need but there are some serious problems. I've purchased SEVERAL low prices 4K TVs recently and this is THE WORST ONE. I've had this one for 6 months and whole I could talk about the small issues that I have with the remote or the fact that there are zero buttons on here, I usually give comments like that for a TV that I would actually recommend so that you know if you will be ok with the small problems.

I can't recommend this TV because of the major glitches and the major slow downs and hang ups.

It's freezing EVERY DAY.

It's the slowest most bogged down TV I've ever bought including after deleting every app I can.

It sometimes freezes right in the middle of streaming or playing Nintendo when nobody has touched the remote and it'll just reboot.

We have to hard reset it all the time.

To make things worse, it just FORCED me to download and install an update just tonight right in the middle of an online game that I can't pause.

Of my many TV purchases this has been no question the worst one and I wish I could take it back.

✗ No, I would not recommend this to a friend

★★★★☆ **Not worth the buy**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 2 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

Nice video quality but runs out of memory and slows down all apps and crashes randomly

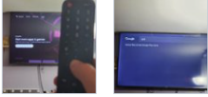


✗ No, I would not recommend this to a friend

★☆☆☆☆ **I hate this tv. It lags and freezes**

✔ **Verified Purchase** | Posted 2 years ago. Owned for 1.5 years when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

It lags and freezes all the time. I have to unplug it and plug it back in everyday. I cant download anything. It does nothing when you click app store and when it seach it will say download in app store but does not load up the rest of the page



✗ No, I would not recommend this to a friend

★★☆☆☆ **After initial review, update it in 6-12 mon!**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 11 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

Well, like other reviews have mentioned this starts out quite impressive. Everyone should wait 6-12 mon before writing a glowing review...or at least update it at that time & see what they have to say then!!!

In each of those later reviews that people took the time to share, there were pretty consistent in having a variety of major problems.

There was one which was EXACTLY like what I was experiencing.

That is that it said there was a new update available & to download it NOW. There was no way to delete or postpone it. It went thru several steps, finally saying to "reboot now". MAYBE we'd get the expected picture, but even if so, then it would go into that same loop again. Multiple times. And this has been happening MANY TIMES over the past month or so.

Sometimes we would get what we wanted, but eventually it would go into its loop-dee-doo over & over.

Went to Geek Squad (have 5 yr. warranty); told I have to deal with Hisense since it's within their 1 yr warranty. Have been doing so. Told to get link & put on USB stick & put that in. (Did the usual un-plugging & re-plugging). That kinda worked, but then the same-ole, same-ole. Tried it again later. Still doing so. As soon as I text in my receipt, supposedly they will send someone out. (Hurry up & wait).

There's even more, but I'm tired of going over & over this again & again! Suffice it to say, IF I could get a refund, I might go to Costco, where returns are much easier! B.B. is ridiculous with only a 15 day return!



✗ No, I would not recommend this to a friend

★☆☆☆☆ **Not worth it**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 1 month when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

This TV is not worth the money, I regret buying this TV. The TV does not respond to the removal control, it will not connect to the internet properly all the time, there are few black dots on the screen already and freezes a lot even on a 500 mbps internet speeds.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Nearly useless after 4 months**

✔ **Verified Purchase** | Posted 3 years ago. Owned for 4 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

This TV worked ok at first but was pretty slow to load anything even right out of the box. Now, after a few months has passed, it has developed a host of problems including just stuttering and freezing and crashing out of every application you try to run on it. Netflix, HBO and Hulu work for about 5 seconds these days before becoming a slide-show and then freezing.

Very unsatisfied with this product and would never buy it again

✗ No, I would not recommend this to a friend

★☆☆☆☆ Skip it

✔ **Verified Purchase** | Posted 3 years ago. Owned for 2 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

Quite possibly the worst tv experience I've ever had. The Android TV operating system is by far the worst. It is dreadful. That alone was enough to return the tv. On top of that, the tv performed awfully. For the price, the savings are not worth the sub par experience.

✗ No, I would not recommend this to a friend

★☆☆☆☆ GARBAGE TV

✔ **Verified Purchase** | Posted 4 years ago. Owned for 3 weeks when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

This tv has a spectacular picture. Unfortunately that's not the old thing you need for a tv to work. I have only had this TV for about a month, and maybe used it a handful of times. The android OS constantly **freezes** up. Trying to play movies with various applications such as: Disney+, YouTube, and HBO, the screen video constantly stops playing. Its not my network, as I have the TV hard lined in with gigabit speeds. There is plenty of free space available (btw they only give you 8gb of storage for apps. System is up to date, and even has been reset. When it works its great but I cannot recommend this TV to anyone. Now I am past the return point and stuck with it. I have a roku TV as well, thats a few years old and never given me any trouble. Hopfeully I can get a roku player for this and avoid the android OS all together. I purchased this TV based of stellar reviews, but just be aware of the software issues that plague this thing.

✗ No, I would not recommend this to a friend

★★★☆☆ Quality Products Cost More for a Reason

✔ **Verified Purchase** | Posted 3 years ago. Owned for 9 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

I'll start by giving credit to the aesthetics. It looks very nice when hung on the wall... it gives the vibe of a quality tv. As for the picture, images look great with vibrant colors, deep blacks, and a bright screen!

So far so good... yet I'll recommend that people spend their cash on a tv you can actually watch when you reach for the remote. The tv requires at minimum 5 - 15 minutes of troubleshooting when you want to watch something.

Now after owning this tv for the past 9 months I wish I had purchased the stores warranty so that I could just return it. I'll keep my issues brief. 1)The tv does not turn on many times... ladder needed to unplug it since it's hung on the wall. 2) The tv freezes a lot... this again requires a ladder to unplug. 3) The tv turns itself on multiple times throughout the day... it's a pain in the night because the bright picture wakes me up 2-3 times while I'm asleep. 4) The tv has a very laggy GUI - to the point where if the tv responds to remote control signals it's best to try and restart the tv if not frozen. 5) The wifi drops out a lot... just restart the tv because no networks appear when you go into wifi settings. 6) Netflix & Disney+ apps always have some sort of issue on this tv... they either freeze, fail to start, or start having sound out of sequence with the picture. I have more issues but I'll stop here.



★★★☆☆ Not great a TV

✔ **Verified Purchase** | Posted 5 months ago. Owned for 3 months when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

Not a great TV. It was very slow and had to be unplugged and restarted every week.

✗ No, I would not recommend this to a friend

★★★☆☆ Hisense Mini LED

✔ **Verified Purchase** | Posted 8 months ago. Owned for 1 month when reviewed.
This reviewer received promo considerations or sweepstakes entry for writing a review.

I returned this TV within a week. The picture was fine but it was just so slow when switching between streaming services.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Slow, Lag, and Glitchy**

✔ **Verified Purchase** | Posted 9 months ago. Owned for less than 1 week when reviewed.

This reviewer received promo considerations or sweepstakes entry for writing a review.

I bought this tv a little over a week ago and as soon as I started using it its been laggy and slow. I bought it to replace my bedroom tv that I've had for 10 years that only JUST started acting slow and crashing. This tv I bought brand new and its slow and laggy. Returning. Dont waste your time.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Very lagging**

Posted 5 months ago.

This reviewer received promo considerations or sweepstakes entry for writing a review.

DO NOT BUY! Horrible tv. Good picture but very very laggy even with the updates. Go buy a Roku instead

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Won't do this again**

✔ **Verified Purchase** | Posted 8 months ago.

This reviewer received promo considerations or sweepstakes entry for writing a review.

Worked fine for 3 days. Picture and sound was good except there was blurring (football) with movement.

On the 4th day it said there was an update and I opted to do it through the TV using the remote. It downloaded fine, applied the update then turned the TV off. Now it only turns on, shows "Hisense" then shuts off and now just continues to cycle on and off.

Factory reset did nothing. Now the TV is bricked and going back . I selected a Sony as a replacement as I have zero trust in Hisense.

Hisense support was difficult to navigate to a live bodyand when I finally got one and explained what went on they generated a repair ticket and said they would send a tech and I would get a response within 24hrs. Well, they fooled me once because 24hrs later I got an email claiming all was good and the repair ticket was closed when nothing was done on their end.

Gave up on Hisense and contacted Best Buy using the website Chat. Everything went great with Best Buy. They will come get the trash a deliver the new, not a Hisense TV, in two days.

Do not recommend. Hisense product is questionable and support was abismal and ultimately useless. I am just happy it was in the return window at Best Buy.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Tv Freezes and reboots for no reason**

✔ **Verified Purchase** | Posted 6 months ago. Owned for 4 months when reviewed.

This reviewer received promo considerations or sweepstakes entry for writing a review.

Absolute crap tv. Constantly freezes and reboots. Have to unplug the tv for it to respond Support is useless. I had a tech show up today and replaced 2 boards and less than 8 hours later it is doing the same thing. I have a 7U tv and that is flawless. This only came out last September and I got it in October and it has never worked correctly. Will never purchase this brand again



✗ No, I would not recommend this to a friend

★☆☆☆☆ **Hisense**

Reviewed in the United States on November 27, 2023

Size: 55-Inch | **Verified Purchase**

Product is a second tier TV when you push the volume up or down it will randomly cause to Tv to freeze up and a total reboot is requires
3 people found this helpful

★☆☆☆☆ **TV is so slow it is unusable**

Reviewed in the United States on March 7, 2024

Size: 55-Inch | **Verified Purchase**

I never write reviews. But the performance of this TV has motivated me enough to write one.

We've had it about five weeks. Now, every time we 'boot it up' (because that is what it feels like), it is very laggy. The sound and video is not synchronized. It jumps forward in spots and freezes in spots. This behavior is true regardless of using Netflix, Hulu, HBO/Max, or other services.

I really, really regret buying this TV. I really should have stayed with an LG or Samsung. They at least lasted around five years. This didn't last five weeks.

★☆☆☆☆ **Very disappointing TV**

Reviewed in the United States on October 9, 2023

Size: 55-Inch | **Verified Purchase**

I had such high hopes for this tv. When I have purchased televisions in the past, they have been better known brands like LG and Vizio. I thought I'd give this one a shot to save a few bucks. This was a stunningly bad idea. This tv has a ridiculously long reaction time. It's like an old tube tv warming up. Switching between apps, tv provider, and network tv with antenna is so slow that I could go to the kitchen for a snack while it's navigating that apparently unimaginable task. Picture quality is absolutely not what I had expected reading some of these glowing reviews. In fact, it's poor compared to the better known tvs. Interface is clunky, unintuitive, and so so slow. Spend the extra bucks for a real tv like I wish I had. Sadly, I missed the return window by 1 day.

★☆☆☆☆ **Terrible vertical banding and laggy Android TV**

Posted 2 years ago.

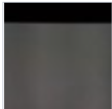
We are heartbroken. After meticulous research (as I'm sure you're doing right now) and saving for the last year, we bought the Hisense H8F and put this fella under the Christmas tree. I was very confident with all of the positive reviews on many websites.

Lo and behold, after mounting it on the wall and turning it on there is *severe* vertical banding on grey screens. I feel like we are watching movies on an old projector in a movie theater. It's very noticeable on most menu screens and any dark movie scenes.

Salt in the wound is the Android TV interface, which is laggy to the point of being almost unusable. Even navigating the menus has long pauses between button clicks. There are constant buffering stutters (despite a speedy internet connection and Orbi mesh wireless in the house). I've tried clearing the cache, resetting, but nothing helps. Resigning to using a Roku removed the stuttering issues and lip-sync problems on the Android TV (which we shouldn't have to do, right?)

The worst of it all is that we can't return to Best Buy because it's past 15 days, despite an obviously faulty panel causing the banding stripes.

This TV turned excitement of the holiday into disappointment for our little house. Please avoid.



✗ No, I would not recommend this to a friend

★☆☆☆☆ **Stars are misleading... read for full info.**

☑ **Verified Purchase** | Posted 2 years ago. Owned for 1 week when reviewed.

I really wanted to love this TV and in some respects, I did. After countless hours of research (yea, I'm one of those people) I came to a few conclusions. First, most 65" 4k TVs in this price range have "issues" both with every unit sold and with quality control. That probably goes for most electronics but more so with TVs. My decision to buy the H8F was mostly based on reviews of it's superb picture quality for the price and the fact that it has Android TV. I was looking at the Vizio M series 65" and the TCL 625 which are both also supposed to be good for the money but I just liked a lot of what I was hearing about the Hisense. I did go looking for problems with each TV and saw a lot more being reported for the Vizio. I was leaning that way since I have had great luck with Vizio but those issues scared me off. The TCL which was my first choice I just could not find for a great price near me (was \$150 more than the Hisense and Vizio) and I don't love Roku so I went with the H8F. I will take a minute to say that the picture on this TV is spectacular. Maybe that's just because I am coming from an older Samsung entry level 4k but I have ZERO complaints about the picture quality on this TV. If not for what I'm going to talk about next, I would have given it 4 stars. I would take a star off for what I believe to be a sluggish operating system. Took awhile to load and wasn't the snappiest when navigating. So here's the real bad news... One thing I did read about is issues with Hisense TVs and them not turning on/off or turning on/off on their own. I can report that from day 1 of this TV being in our house we had issues with this. Especially when it's been off for a long time (overnight mostly), the TV would just not turn on. We tried the remote power button and the one on the TV itself. Nothing. I was on with Hisense support 4 times and factory reset the TV twice in addition to trying all they suggested but the problem would return. In the end they suggested I get the TV repaired under warranty. Nope. Was 10 days in my house at that point so just returning it. Honestly I was planning on just swapping it out for a different Hisense unit but turns out they were having a sale and I was able to get a great deal on a Samsung Q70 so I guess I will never know if I just got a lemon or not. Even after all I went through, I would still say the picture quality alone is worth taking a flyer on this set but buyer beware that it may have issues.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Severe problems after Android upgrade great before**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 9 months when reviewed.

Before the last Android upgrade I would have given this TV a 4 or even 5 for the price. But, the Android upgrade to version 9 has been extremely problematic. The TV turns on by itself any time of day. The user interface went from acceptable to very slow. I can't stream 4k in 4K anymore and streams from Amazon or Netflix sometimes freeze. It also randomly refused to connect to my sound bar until I reboot the TV. I called Hisense support, and the tier 1 support staff had me take the remote control batteries in and out. Not helpful. It appears that this is a problem with the meager RAM. Hisense needs to fix android in the next release to work within the memory constraints and be truthful when customers call in.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **It's ok, but the delay is killing me**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 7 months when reviewed.

The picture looks good but nothing spectacular. What really hurt the rating was the delay in when you press the button and when it registers. I have never been so annoyed with a tv. It's not the internet connection either as it's hardwired. Even turning on and off the tv creates a couple second delay. There has been plenty of times I turned it off and on again because I think it didn't registered after watching it stay on for a couple seconds. Wish I can return it but it is 6 months after purchase. Pay some more and buy a better TV.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Not impressed**

☑ **Verified Purchase** | Posted 2 years ago. Owned for 1 month when reviewed.

We had recently bought this tv when our son threw a toy at our last TCL TV and broke the screen, so we had to get a new one. The associate in the store recommended this TV since he said it had better screen quality. Honestly, I do not like this TV at all. The TV is slow and shuts off randomly. I don't particularly like the picture quality and the features of this TV. Also, I am not impressed with this brand (Never heard of this brand before our purchase) and I would take it back and get a TCL TV instead if I could. The only good thing about this is the price. We had bought the 65" and it was almost 200 dollars less than our last one. Other than that, I really do not care for it.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Not Good Enough - Weak Processor**

✔ **Verified Purchase** | Posted 2 years ago. Owned for 6 months when reviewed.

I write this after tweaking everything possible I know about Android devices.

The Bad

- 1) If you plan to use with HDHomerun, don't but this TV Get a external device like shield/PC/Xbox etc. instead. Rating 1/10
- 2) TV is still on Android 7 says software is up to date. Other Android TVs are at version 9 - Rating - 6/10
- 3) SLOW very LAGGY response to remote control. Rating 3/10

The Good

- 4) Picture Quality Good - 7/10
- 5) \$K picture Good - 7/10
- 6) Netflix App/Prime App - Responsive - Rating 7/10
- 7) Works well with ARC / HDMI for control with soundbar.

I regret buying Hisense. Wish I would have returned it.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **I would stay away if I were you.**

✔ **Verified Purchase** | Posted 1 year ago. Owned for 1 year when reviewed.

This TV has been nothing but problems since the moment we got it. From the beginning, we would have to restart it in order for certain apps to work properly. It would shut down randomly and freeze quite a bit. Then came time for update!!! First, it wouldnt update. We kept getting error messages. Then we deleted a whole bunch of stuff and were able to update. We then went to reboot and, guess what? It said we had update!!!! We tried it two more times and never could get the update to stick. We tried calling Hisense but they don't call back. Well, now it is not working at all. It boots up and then shuts itself off. This is not an isolated incident. I have found similar problems online with the update. So, we bought it in October 2019. We got a little over a year out of it (a year of shutting down and asking to update every time we turn it on). If you think that is adequate, by all means, try it.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Highly Regret**

✔ **Verified Purchase** | Posted 9 months ago. Owned for 1 year when reviewed.

TV died after 17 months. Google "Hisense H8F Boot Loop" prior to purchasing and consider an extended warranty. My TV is stuck in a loop and fails to apply the firmware Hisense provided as a potential fix. Further support is not being provided due to the expired (12 mo) warranty. This TV is now a shiny black frame hanging on my wall.

Also, Hisense added Advertisements to their home screen a couple months ago. Ad-free TV was one of my main selling points originally.

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Could this be covered under the warranty**

✔ **Verified Purchase** | Posted 1 year ago. Owned for 1 year when reviewed.

I have had this TV for a little over a year and then the last 3 months it has done nothing but slow down and freeze on a daily basis I have checked the system updates it is up to date and I don't know what to do with it

✗ No, I would not recommend this to a friend

★☆☆☆☆ **Slow slow sssllllllloooooowwwwwwww but nice**

✔ **Verified Purchase** | Posted 1 year ago. Owned for 9 months when reviewed.

Picture is great, however this has to be the slowest operating tv I've ever used, turn it on ? Wait 30 seconds did you hit the button twice? Wait 45 seconds. Every single motion on the tv takes time it's the most frustrating "smart" tv I've ever used . There's better ways to spend your tv budget then going hisense

✗ No, I would not recommend this to a friend

★☆☆☆☆ Worst response time of any television

✔ **Verified Purchase** | Posted 1 year ago. Owned for 6 months when reviewed.

Great picture. Response time to any button is beyond ridiculous. 30 seconds to a minute waiting for it to press every button you pressed like a 1993 computer. Even turning this tv off may take you up to 5 minutes and hope you didn't press the power button one extra time or it will be back on for the night.

✗ No, I would not recommend this to a friend

★☆☆☆☆ Don't Buy

✔ **Verified Purchase** | Posted 2 years ago.

I regret wasting money on this tv, 2 months after buying it the remote stops responding (only able to turn on and off, and volume works, and yes I switched with new batteries). Then the App Store doesn't even want to respond and I can't download any apps (channels on it). So in summary I can only use the apps already downloaded on it and can't switch hdmi to blue-ray or PlayStation.

✗ No, I would not recommend this to a friend

★☆☆☆☆ Slow buggy

✔ **Verified Purchase** | Posted 9 months ago. Owned for 1.5 years when reviewed.

Software is buggy. Very slow at times. Takes multiple. restarts. It's only useable because I modified the hard drive.

✗ No, I would not recommend this to a friend

★☆☆☆☆ I guess this set is hit or miss.

✔ **Verified Purchase** | Posted 2 years ago.

I'm in my first day with this TV and it has as already frozen up on me twice, image has been shuttering and dark scenes show some clouding. I'm trying to give it the benefit of the doubt and plan on keeping it a few more days to see if the freezing stops. If it doesn't, I'm going to have to re and it back.

✗ No, I would not recommend this to a friend

★☆☆☆☆ Device freezes up

✔ **Verified Purchase** | Posted 1 year ago. Owned for 9 months when reviewed.

Nice picture and great price but the thing freezes up a lot and has to be unplugged to reset. This started after about 1 month of owning it. Very disappointed with this item. I am looking to replace it.

✗ No, I would not recommend this to a friend

★★★☆☆ Ok, but not for me

✔ **Verified Purchase** | Posted 2 years ago. Owned for 2 weeks when reviewed.

I had this TV for about a week and took it back. The picture was fantastic, I must say, but that was the only thing good about this TV, for me. I had a Samsung and wanted another one but the Best Buy guys wouldn't even show me those and I wound up listening to them and buying this one.

The following were deal killers for me:

1. Interface - constantly had to keep removing and reordering the apps on the home screen. Very irritating. I am definitely not a google/android fan but man, when I remove an app from my home screen, I only want to do it once.
2. Remote would not control my Directv Genie, has to use multiple remote or buy something like a Harmony
3. Kept trying to connect to a WiFi network even though I had a CAT5 Ethernet connected.
4. By far the most irritating thing, I had to restart the TV twice in the week I had it because I would bring up Netflix, Hulu, etc, log in and select a profile and it would just time out.

I wound up taking it back and the Best Buy guys kept trying to steer me to an LG and a Sony, but would not talk to me about a Samsung. I have no idea why the angst towards Samsung. Anyway, I wound up just getting a refund and went elsewhere, bought a Samsung like I wanted anyway, and it worked right out of the box.

✗ No, I would not recommend this to a friend

★★★★☆ **Picture and sound are good when tv works properly**

☑ **Verified Purchase** | Posted 2 years ago. Owned for 3 months when reviewed.

Purchased dec17 2019, tv freezes up, can't do anything but unplug it, did this every day with in the first mo. I purchased the 2 year geek squad protection plan when I got the tv. Called them and was referred to hisense. They had me reset back to factory settings and said it was fixed, after going thru setting everything up again, it seemed to work ok, however, the issue has started again. I guess I 'll be calling hisense again since the the protection I purchased at best buy isn't going to do what I was told it would when I got it.

✗ No, I would not recommend this to a friend

★★★★☆ **Really Good Picture, but locks up**

☑ **Verified Purchase** | Posted 2 years ago. Owned for 2 weeks when reviewed.

The TV has a really good picture once the settings are tweaked. The reds are quite bright, but can be adjusted. That being said, the TV locks up regularly. I tried the factory reset multiple times. I read reviews stating the processor is under powered for Android TV. I think this is the case also. I purchased a separate Android TV box for my Samsung TV and have no problems with it.

✗ No, I would not recommend this to a friend

★★★★☆ **Freezes**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 1 year when reviewed.

I really wanted to like the tv, the pictures is beautiful. The only problem is that the interface freezes after turning the tv on. I have to unplug it and replug the tv in just to get a smooth running interface. This happens every time the TV is off for awhile.

✗ No, I would not recommend this to a friend

★★★★☆ **Android tv**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 7 months when reviewed.

Over the quality of tv is great it looks amazing but how ever, over time it start to lag. The response time when using the control it takes awhile to respond and this start to happen after 6 months

✓ I would recommend this to a friend

★★★★☆ **No rec**

☑ **Verified Purchase** | Posted 1 year ago.

Cool design, but it is better to never buy a TV on an android system at all, it slows down terribly in many moments and sometimes errors appear.

✗ No, I would not recommend this to a friend

★★★★☆ **Not good**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 10 months when reviewed.

Was great until an update was required now is slow and rune like poop not happy I have cleared data and also did a factory reset still slow response time

✗ No, I would not recommend this to a friend

★★★★☆ **Good but Slow**

☑ **Verified Purchase** | Posted 1 year ago. Owned for 7 months when reviewed.

All good but too slow. I should have checked the processor speed before buying.

✗ No, I would not recommend this to a friend

★★★★☆☆ **Unsatisfied**

✓ **Verified Purchase** | Posted 1 year ago. Owned for 1 year when reviewed.

I wouldn't suggest this product. Lately it has been unresponsive and I wish I would not have purchased it

✗ No, I would not recommend this to a friend

★★★★☆☆ **So so**

✓ **Verified Purchase** | Posted 2 years ago. Owned for 1 month when reviewed.

Great picture but with updates biweekly and then screwing up soundbar and other things not my 1st choice. Do your research before buying this tv. Can be a headache to have.

✗ No, I would not recommend this to a friend

★★★★☆☆ **Great picture but buggy**

✓ **Verified Purchase** | Posted 1 year ago. Owned for 1 year when reviewed.

Great picture but the software is super buggy. Restarts all the time and sounds doesn't always work.

✗ No, I would not recommend this to a friend

★★★★☆☆ **Terrible user interface**

Reviewed in the United States on July 17, 2022

Size: 55-inch | **Verified Purchase**

Slow, buffers, push a button on the remote and wait an eternity for it to even know if the action registered, frustrating, very frustrating, do NOT buy.

I was glad to have a TV that was Android enabled, but then I tried to actually use it. That is when I regretted my purchase. I should have returned it but I hoped for the best. Now it is 2.5 years later and it is too late.

★★★★☆☆ **worst android tv implementation ever**

Reviewed in the United States on June 27, 2022

Size: 50-inch | **Verified Purchase**

Worst implementation of Android TV I have ever seen. After this TV I will never have another android TV. TV has a good display but the built in software is horrible. 99 times out of 100 I want to throw the remote through the screen. It works great as a display for your own media device of choice. The software is so slow and frustrating that I just bought an external Android box to use on it.

★★★★☆☆ **Very disappointed**

Reviewed in the United States on February 20, 2022

I used the tv for about 7months. I bought it but did not set it up right away. The day of the super bowl, the picture went out and had nothing but sound. I contacted Hisense and was told there wasn't any thing they could do about it. I will never buy a Hisense product again.

★★★★☆☆ **Dont waste your time**

Reviewed in the United States on February 16, 2022

Size: 55-inch | **Verified Purchase**

The picture is excellent but it isnt worth the aggravation of being on one app then being redirected to abother ie watching netflix then switches you back to main menu or amazon prime, contacted support who sent me firmware via email and the tv doesnt even respond to the update, currently playing phone tag with theyre tech support. I dont think I'll be buying any more products from Hisense.

★★★★☆☆ **Slowest TV I have ever owned**

Reviewed in the United States on December 9, 2021

Size: 50-inch | **Verified Purchase**

When it isn't so slow and laggy that it is painful to use, it is crashing. Absolute garbage!

I can press a button, leave the room, and come back to see it just changing screens.

★★★★★ **Tv don't turn on anymore, I tried everything.**

Reviewed in the United States on December 7, 2021

Size: 50-inch

The remote is poor, doesn't respond all the time.

The OS or software is very slow too, almost unusable.

And now finally the TV doesn't turn on, I tried all tutorials.

This is the worst TV I have ever own. Don't buy Hisense.

★★★★★ **Major lags, very frustrating**

Reviewed in the United States on October 17, 2021

Verified Purchase

The size and picture quality are great, especially for the price. But I've had it for a year now, and it's sooooo slow. It just took me 10 minutes to open a streaming app. The lag time from when you press right or left on the remote to when the selection changes on the screen is sooooo slow. It makes me think of an old PC when the memory was maxed out and the cursor would freeze. Sometimes this tv just turns off too. Glitches completely, apps suddenly freeze and close.

I realize now that what you're paying for with higher quality televisions isn't just the size and picture quality - it's the processor too. Next time the processor will be top of mind.

Over all - this television is not worth it. Go ahead and spend more on something better.

★★★★★ **Junk**

Reviewed in the United States on August 7, 2021

Verified Purchase

This thing is junk! Very slow to load and am constantly resetting it when it locks up. Wish I could return it.

★★★★★ **Buggy Poor Performance**

Reviewed in the United States on July 17, 2021

Size: 55-inch | Verified Purchase

Nice looking TV BUT the OS problems are terrible. The TV is glitchy and unresponsive. I wouldn't buy it again. It takes 3 minutes to turn on.

Update: Performance has continued to decline to the point where the TV is nearly unusable. Limiting background processes to "1" is the only thing that seems to help a little.

Update #2: Hisense customer service sent an update that had to be downloaded to a usb drive and manually installed on the TV. It helped slightly for a month and now I'm back to having a TV that is essentially non-functional. I regret this purchase.

★★★★★ **Not worth the headaches**

Reviewed in the United States on May 28, 2021

Size: 55-inch | Verified Purchase

When the OS cooperates, the picture quality is great. However those moments are rare. Android TV is buggy and frustrating, making for a far from smooth user experience. Avoid android TVs at all cost. The Roku version of this TV, Hisense R8F, offers all the pros of this TV without the cons. Stay away from the H8F and thank me later.

However, if you are stuck with this TV, here's what has improved the experience for me:

1. Update the software
2. Go to Settings>Device preferences>developer options>
 - enable developer options (at the top)
 - go down and turn off all animations (window animation scale, transition animation scale, and animator duration scale)
 - go down further and enable "force GPU rendering"
 - go down further to "Background process limit" and select "At most 1 process."

I hope this helps!

★★★★★ **Please, save yourself the trouble. Laggy...**

Reviewed in the United States on May 25, 2021

Size: 50-inch | Verified Purchase

I've had this for about a year and I half and have regretted it for about a year now. The first 2 months were okay, but as if overnight everything seem to fall apart. It's incredibly laggy. I've sat and watched this take 30 mins to simply change inputs. It takes about 10 seconds to process a single input from the controller. And as for 240hz? I knew they were kinda fibbing a bit as most tv manufacturers do. But when in, the audio and video is out of sync by about 2 or 3 seconds. And the local dimming? I hope you like "tunnel vision"..the edges dim and only the center stays bright. I've tried resetting the entire tv and nothing works. And as far as gaming goes? It can be as bad as 50 seconds response time. After owning this tv for about a year and a half I can absolutely say look elsewhere, because this ain't it chief.

★★★★★ **TV is defective**

Reviewed in the United States on May 6, 2021

Size: 50-inch | [Verified Purchase](#)

After 16 months the TV is stuck at the bootloader loop. The TV is out of warranty and is useless. Do not buy any Hisense products.

★★★★★ **Started good, Horribly laggy and slow now.**

Reviewed in the United States on March 23, 2021

Size: 50-inch | [Verified Purchase](#)

the picture quality, color accuracy, and brightness are amazing. It is a fantastic display but wow is it the worst smart tv ever. After just little use it is so slow and laggy that it will take 10 seconds to register inputs, unable to keep up with the screen and audio being presented, and overall a very frustrating TV to work. I have great internet and frequently shut down or restart the tv so those are not the issues.

★★★★★ **Slow processing, super glitchy, and poor customer service.**

Reviewed in the United States on February 20, 2021

Size: 55-inch | [Verified Purchase](#)

I really don't like to write bad reviews but I've been going back and forth with the company for several weeks now. They continually request more information when all I'm asking for is the ability to update my product software. The operating system seems to run extremely slowly and now I am prompted to update the software every time I turn the TV on but the updates will not run. After looking for support online several times without being able to find anything on their website I finally emailed customer support. After several back and forth emails I still do not have an update for the operating system on my TV. Why they would not just send me the email update for my set is beyond me. It is a no-cost solution that if it works seems super simple.

★★★★★ **Worst electronic I've ever bought**

Reviewed in the United States on January 25, 2021

Size: 50-inch | [Verified Purchase](#)

Absolutely horrible TV. I'd give this 0 or negative stars if I can. After a few months it started getting laggy and glitch. After a year it's unusable. Takes minutes for the TV to respond to buttons pushed on the remote. Several factory resets later and no improvement. Complete waste of money. And now have to spend more on a new TV

★★★★★ **Do not buy - unusable**

Reviewed in the United States on January 16, 2021

Size: 55-inch | [Verified Purchase](#)

This TV is absolute trash. Do not buy. It is unwatchable and unusable.

Shows and apps crash constantly, there is a massive lag on everything, the audio and visual often don't sync up, and more.

I have tried system resets, restarts, uninstalling and reinstalling apps - none of it works. It has nothing to do with my internet as every other product in my house works great.

I don't know if it's processing capabilities are just terrible or if I just got a glitchy mld. I've also reached out to customer service and they're unresponsive.

For the money this costs, just buy something else.

★★★★★ **So Slow It Wont Even Play Netflix. Never. Buy. Hisense. Ever.**

Reviewed in the United States on January 6, 2021

Size: 55-inch | [Verified Purchase](#)

It takes 5 minutes to open netflix, 30 seconds to scroll each row, skips the video, skips the audio. It doesnt work. Its that simple, dont bother.

One person found this helpful

★★★★★ **Incredibly slow, laggy andbuggy**

Reviewed in the United States on November 18, 2020

Size: 55-inch | [Verified Purchase](#)

This TV has progressively gotten worse and worse the longer we've had it. The hardware, memory, etc. can't handle the operating system. It is constantly frozen and needs unplugged/restarted. Like someone else said, it's like using a computer that is way too old and trying to run the latest software on it. My wife and I constantly talk about how much we hate this TV and will never go cheap on a TV again.

★★★★★ **Disappointed in this TV**

Reviewed in the United States on September 28, 2020

Size: 50-inch | [Verified Purchase](#)

I have had this less than a year and it has quickly gone downhill in performance. I click on the remote and it takes multiple seconds for the screen to change to update. Thinking it might be the remote, it is not. It happens between apps, trying to bring up new apps, etc. The delay is unbearable at times and not sure if it's because it's an Android TV or just the brand. Be aware.

★☆☆☆☆ **Sluggish operation**

Reviewed in the United States on August 15, 2020

very disappointed

Sluggish, feels like using an old tablet

Had to get a Roku stick just to enjoy the TV

Will be getting rid of it a.s.a.p.

Going back to TCL Roku TV

★☆☆☆☆ **Unreliable - FAILED after 3 months!! DO NOT BUY A HISENSE TV**

Reviewed in the United States on June 2, 2020

Size: 55-inch

Purchased this TV 16 Feb 2020 from local Best Buy store. TV FAILED after 3 months as follows:

1. Many of the remote control buttons no longer respond even though remote is transmitting properly. Buttons no longer working include INPUT, TV, MENU, HOME, APPS, Channel Up, Channel Down, STOP, and NETFLIX.
2. TV is stuck on channel 7 - can't change to another channel - must power RESET TV to get to "home" screen.
3. HDMI inputs no longer work.
4. Casting to TV from Chrome browser no longer works.
5. TV forgets various settings

★☆☆☆☆ **I could not have made a worse TV purchase.**

Reviewed in the United States on May 13, 2020

Size: 50-inch | **Verified Purchase**

Did my homework (or so I thought).

Please save yourself a great deal of frustration and skip this one. Actually, skip this brand.

Inexpensive, yes -- but you get what you pay for:

- Loses internet EVERY DAY.
- Crashes about once a week. (power-down/restart is only fix)
- Gets overbright (with a center spot), then overdims (to compensate?)

Purchased November 2019

STILL on Android Security Patch Level dated 6/5/19 - no amount of updates will correct this.

Kernel dated Oct 8, 2019

No firmware updates since the purchase.

Overall, a dreadful product... and that's the nicest thing I can say about it.

★☆☆☆☆ **Cheap garbage hardware**

Reviewed in the United States on April 16, 2020

Size: 50-inch | **Verified Purchase**

This TV is the worst. It is super slow. It freezes and needs to be unplugged. Apps won't open and have to be force stopped.

It was the cheapest Android TV when I was in a pinch and regret buying it every time I use it.

I have a Sony Android TV which is amazing, so I like the platform. It's just hardware in this TV is the cheapest possible and you get what you pay for.

★☆☆☆☆ **Do not buy.**

Reviewed in the United States on April 11, 2020

Verified Purchase

The worst large screen tv I have ever had (and I have 4 Samsung 65 inch lower end tv's). Buy a cheaper Samsung instead of this. It's glitchy, unresponsive, drags and has bad picture quality. Those who have given this a good review have never had a Samsung which is what I should have purchased.

★☆☆☆☆ **Screen issues and Wifi drops**

Reviewed in the United States on April 8, 2020

Size: 55-inch

Screen black shadow on white screen and Wifi drops after I updated my tv to latest update.

Hisense is not a good brand. Samsung is way better tv

★☆☆☆☆ terrible television

Reviewed in the United States on April 7, 2020

Size: 50-inch | **Verified Purchase**

TV FREEZES ALMOST EVERY MORE THAN ONCE, AND HAS RECENTLY STARTED TO SHUT OFF ON ITS OWN. AT THE BEGINNING IT WAS JUST ONCE A MONTH THAT IT WOULD FREEZE AND I WOULD HAVE TO PLUG IT OUT OF THE WALL AND TURN BACK ON FOR IT TO WORK. WILL NEVER BUY HISENSE TV'S. THEY LOOK GOOD BUT NOT WORTH THE HEADACHE.

★☆☆☆☆ Slow and glitchy only one month after purchase

Reviewed in the United States on January 19, 2020

Size: 55-inch | **Verified Purchase**

I purchased this TV in October and started having problems in December. The interface is noticeably slower if the TV remains plugged in (not on) and the sound constantly shuts off while I'm watching TV. This happens multiple times a day and the only way to fix it is by unplugging the TV, waiting, and plugging it back in. This fix can last up to days or just a few minutes.

★☆☆☆☆ Do not buy

Reviewed in the United States on January 5, 2020

Size: 50-inch | **Verified Purchase**

Worst black Friday purchase ever. TV is slow and laggy and will freeze up forcing you to unplug it just to get it working again

★☆☆☆☆ Extremely poor performance

Reviewed in the United States on December 11, 2019

Size: 55-inch

Hardware can barely run the OS - lags powering up, powering down, entering menus, or switching apps. Reboots randomly. Crashes constantly, device is online, but at some point in navigation, either launching a different app or trying to play a movie in the same one you have remained in, the screen goes black and will not come back. I have had to unplug the tv more times than I can remember just to get it working again. Force stopping apps and turning it off and on with the remote will not fix anything. Rtings got it horribly wrong with this set, it is horrendously unreliable.

★☆☆☆☆ Good display, terrible as a device.

Reviewed in the United States on December 9, 2019

Size: 55-inch | **Verified Purchase**

It's the era of the cord cutters. And this display, while producing a nice picture, runs apps such as Plex like complete garbage. Freezing, can't resume, can't restart the app without a total reboot.

Expect to buy a dongle.

I can't believe the great reviews this thing got all over the place.

B. HISENSE knew of the Defect through its testing and validation of Class Smart TVs.

32. Hisense represents that it is “one of the leading, most trusted consumer electronics and appliance brands in the world[.]” See “Company,” *Hisene-USA.com*, <https://www.hisense-usa.com/about-us> (last accessed August 26, 2024). The company states that it 54 companies overseas and boasts of “12 research & development centres worldwide[.]” with “the sole aim of delivering high-quality, cutting-edge and affordable products.” <https://www.hisense-b2b.com/US/why-hisense> (last accessed August 26, 2024). Defendant highlights its “stringent Quality Improvement Process . . . commitment to excellent after sales customer service” and

“comprehensive warranties” so consumers can “feel confident that a Hisense product is the right choice for any application. *Id.*

33. Such a testing and validation process would discern the Defect, yet Hisense marketed and sold Class Smart TVs even with such knowledge.

C. Hisense systematically refuses to disclose the known defect and refuses to honor its warranties to Class Members by repairing the known defect.

34. Class Smart TVs were sold with a 1-Year Limited Warranty.

35. Reasonable consumers expect that a television’s main board—which is central to the television’s functioning—will last the lifetime of the television. The typical television is expected to last between five to seven years. *See* "How long should a TV last?", *Reviewed.com*, www.reviewed.com/televisions/features/how-long-should-a-tv-last (last accessed August 26, 2024).

36. A reasonable consumer must be upset over the substantial cost in time and money of attempting to diagnose and fix the Main Board defect.

37. Many purchasers of Class Smart TVs have spent hundreds of dollars on defect-related repairs and related expenses.

38. The durational limitations in Hisense’s Limited Warranty, as applied to Plaintiff and Class Members, are unconscionable. Hisense knew about the inherent defect in the main boards at various points, including: (1) when it designed and manufactured the main boards and performed pre-sale testing and validation, (2)

when individuals began to lodge complaints with Hisense’s authorized retail partners, and (3) before Plaintiff and the Class purchased their Hisense Class Smart TVs and/or paid for repairs that were not covered under warranty. Still, Hisense opted not to warn, disclose, or otherwise inform the potential or eventual purchasers about the Defect. Hisense continues to refuse disclosure of this known defect to this date on newly sold Class Smart TVs.

39. Hisense has never disclosed the Defect to actual or potential purchasers of Class Smart TVs, and Hisense has never instructed its retail partners to disclose the Defect to actual or potential purchasers of Class Smart TVs.

40. The Defect was not known to or reasonably discoverable by the Plaintiff and proposed Class Members before purchase, or without experiencing the Defect first-hand.

41. For example, in its technical specifications sheets (“spec sheets”) for the H8F and the H8G series, Hisense describes those TVs as “the most advanced TV in [their] price class, providing a picture with richer colors, more detail, better brightness, and smoother motion.” See “55H8F Spec Sheet”, *Hisense-USA.com*, https://assets.hisense-usa.com/assets/ProductDownloads/39/251c22f4b6/55H8F-Spec-Sheet_030619.pdf (last accessed August 26, 2024), and “50H8G Spec Release,” *Hisense-USA.com*, <https://assets.hisense->

usa.com/assets/ProductDownloads/184/432329aaac/50H8G-Spec-Release_V08102020.pdf (last accessed August 26, 2024).

42. Hisense has remained publicly silent even as it has learned of at least hundreds of complaints about Class Smart TVs directly from its customers, through its authorized retailers, and from its authorized service centers.

43. Because of Hisense's inaction and silence, many consumers are unaware that they purchased and continue to use unreliable televisions. As Hisense knows, a reasonable person would consider the Defect important and would either not purchase a television with the Defect were the Defect disclosed in advance or would pay substantially less for the television.

44. Despite its knowledge, Hisense has failed to issue a recall of the inherently defective main boards or reimburse television owners for the inevitable failure of this critical part.

45. Plaintiff and the putative Class neither knew, nor could have known, about the defective nature of the main boards at the time they purchased their Class Smart TVs. Hisense knowingly manufactured Class Smart TVs that contained an inherent defect, but it did not inform Plaintiff of the problem when Plaintiff agreed to purchase his Class Smart TV or at any time thereafter. Hisense has vigorously refused to acknowledge that the main boards are the source of the Defect to avoid having to pay for a replacement with a non-defective main board under its Limited

Warranty. Hisense intentionally limited the company's liability for the known defect, and Plaintiff and putative Class Members never could bargain for a warranty that would have covered the Defect because they did not know of its existence. Hisense's material omission concerning the Defect rendered the warranty unconscionable as applied to Plaintiff and Class Members.

PLAINTIFF'S EXPERIENCE

46. On or about October 22, 2020, Plaintiff Matthew Deyell purchased a new Hisense H8G Series 4K Android Smart TV from PC Richards & Son, located at 150 Price Parkway, Farmingdale, NY 11735, for \$399.99. Mr. Deyell's television came with a defective main board that made it susceptible to the main board defect. Hisense did not disclose this to Mr. Deyell, who greatly valued smart TV features and wanted a fully functional television.

47. Mr. Deyell's purchase was covered by a one-year Limited Warranty.

48. Mr. Deyell experienced the Defect in or around February 6, 2022. Mr. Deyell began seeing messages on his television notifying him that the television had insufficient memory. That same day, Mr. Deyell wrote to Hisense's customer support about the message his television displayed, including the steps he had taken to try to clear up system memory, such as deleting apps, clearing the cache, and factory resetting the device. Despite his attempt to delete items, Mr. Deyell found that, upon turning the TV on and off, everything he deleted returned; deleting the

cache did not clear up any memory; and attempting to factory reset only turned off the television, it did not reset it to factory settings.

49. On June 7, 2022, Hisense's customer support group responded to Mr. Deyell's complaint and provided him with a link containing a firmware update for him to download onto a USB stick. The steps Hisense provided advised Mr. Deyell to insert the USB device into his television's USB slot to install the firmware update.

50. Unfortunately, despite following Hisense's steps, Mr. Deyell's television turned off and would no longer turn on. Mr. Deyell removed the USB stick and unplugged and re-plugged the TV from its outlet, but it would not respond to the power button on the unit itself nor the one on its remote.

51. On October 8, 2022, Mr. Deyell responded to a notification sent by Hisense to confirm that his device was not damaged or repaired by unauthorized service providers in any way prior to following Hisense's steps to install the firmware update.

52. On February 15, 2022, a new support ticket was opened for Mr. Deyell. On February 18, 2022, Mr. Deyell received the same notification he had received earlier in the month, asking him to confirm that his device had not been damaged or repaired by unauthorized service providers. He also received a notification asking him to provide proof of purchase. Mr. Deyell promptly did so, and Hisense confirmed receipt on February 21, 2022.

53. Later that day, Hisense informed Mr. Deyell that because his warranty had expired, it would be unable to repair his unit. Hisense advised Mr. Deyell to contact a local technician or electronic store for repairs. Mr. Deyell replied that it was his understanding a defective mainboard would be covered even outside of warranty, especially since it was Hisense's update that rendered his television unusable. Mr. Deyell asked Hisense to either provide him with a new main board or advise him where he could buy one to place himself.

54. On February 26, 2022, Hisense responded to Mr. Deyell's request, directing him to contact Encompass, a service provider affiliated with the company. Mr. Deyell contacted Encompass and purchased a new mainboard, but the new mainboard also did not work. Before Encompass would issue Mr. Deyell another main board, Encompass requested that he return the main board he received. The new mainboard issued by Encompass was also defective.

55. Mr. Deyell has never received reimbursement for his out-of-pocket expenses or for his lost time spent attempting to have the Defect repaired.

CLASS ACTION ALLEGATIONS

56. Under Fed. R. Civ. P. 23(b)(2) and (b)(3), Plaintiff intends to seek certification of a Nationwide Class consisting of:

All natural persons who purchased in the United States a 2019 – present Hisense 4K Google OS Smart TVs, including the H8, F and G series, H9, F and G series, H65, U6, including the U6H and U6K models, U8, including the U8N, and the A6 series.

Plaintiff also intends to seek certification of a New York Subclass, in the alternative, consisting of:

All natural persons who purchased in New York a 2019 – present Hisense 4K Google OS Smart TVs, including the H8, F and G series, H9, F and G series, H65, U6, including the U6H and U6K models, U8, including the U8N, and the A6 series.

57. Excluded from each proposed class are: Hisense, any affiliate, parent, or subsidiary of Hisense; any entity in which Hisense has a controlling interest; any officer, director, or employee of Hisense; any successor or assign of Hisense; anyone employed by counsel for Plaintiff in this action; any judge to whom this case is assigned, his or her spouse, and all persons within the third degree of relationship to either of them, and the spouses of such persons; and anyone who purchased a Class Smart TV for resale.

NUMEROSITY

58. The members of the classes are so numerous that joinder of all members is impracticable. While the precise number of Class Members can only be confirmed through discovery, it is estimated that at least hundreds of thousands of persons purchased Class Smart TVs.

COMMON QUESTIONS OF LAW AND FACT PREDOMINATE

59. There is a well-defined community of interest in the questions of law and fact affecting the Class Members.

60. There are questions of law and fact common to all members of each Class: specifically, Plaintiff's claims arise from the same event or practice or course of conduct by the Defendant that gives rise to those claims of the putative classes, and Plaintiff's claims are based upon the same legal theories as those of the putative classes. The Defendant has engaged in a pattern and practice, in violation of the law, of not informing purchasers or potential purchasers of the known Defect in the Class Smart TVs. The resolution of this issue—to wit, whether Defendant knew about the Defect and did not inform Plaintiff and Class Members—is a common question of fact and law that will affect all members of the class in the same manner.

61. The questions of law and fact common to the Class predominate over questions that may affect individual members, and include:

- a. Whether Hisense disclosed the known Defect to Class Members prior to their purchase;
- b. Whether Hisense violated state consumer protection laws by concealing the known Defect;
- c. Whether Class Members are entitled to actual damages and, if so, the appropriate amount;
- d. Whether members of the classes may be notified and warned about the Defect and may have the entry of final and injunctive relief

compelling Hisense to issue a notification and warning to all Class Members about such a Defect;

e. Whether Hisense deliberately failed to disclose material facts to Plaintiff and the Class Members; and

f. Whether Defendant manufactured defective main boards and should replace them at no cost to Plaintiff and the Class Members.

TYPICALITY

62. The claims and defenses of the Named Plaintiff are representative of the Class Members he seeks to represent and typical of the claims and defenses of the class, because the Plaintiff and the Class Members all purchased or leased Class Smart TVs with defective main boards manufactured and sold by Defendant. Plaintiff, like all Class Members, received a Class Smart TV without any warning or notification from Defendant of the Defect.

ADEQUACY OF REPRESENTATION

63. The Named Plaintiff will fairly and adequately assert and protect the interests of the proposed class because:

a. Plaintiff has hired attorneys who are experienced in prosecuting class action claims and will adequately represent the interests of the Class;

b. Plaintiff has no conflict of interest that will interfere with the maintenance of this class action; and

- c. Plaintiff has suffered consumer-related injuries and damages.

SUPERIORITY

64. A class action provides a fair and efficient method for the adjudication of the instant controversy for the following reasons:

- a. The common questions of law and fact set forth above predominate over questions affecting only individual Class Members;

- b. The proposed Class and the New York Subclass are each so numerous that joinder would prove impracticable. The proposed classes, however, are not so numerous as to create manageability problems; moreover, no unusual legal or factual issues render the class unmanageable.

- c. Prosecution of separate actions by individual members of the class would risk inconsistent and varying adjudications against Defendant;

- d. The claims of the individual Class Members are small in relation to the expenses of litigation, making a class action the only procedure in which Class Members can, as a practical matter, recover for the damages done to them by Hisense.

- e. A class action would be superior to, and more efficient than, adjudicating thousands of individual lawsuits.

65. In the alternative, the proposed classes may be certified because:

a. the prosecution of separate actions by the individual members of the proposed Class would create a risk of inconsistent or varying adjudication regarding individual Class Members, which would establish incompatible standards of conduct for Hisense;

b. the prosecution of separate actions by individual Class Members would create a risk of adjudications dispositive of the interests of other Class Members not party to the adjudications and substantially impair or impede their ability to protect their interests; and

c. Hisense has acted or refused to act on grounds generally applicable to the proposed Class, which justifies final and injunctive relief for the members of the proposed Class as a whole.

JURISDICTIONAL AMOUNT

66. This action meets the jurisdiction amount under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2) and (6), because as alleged in Paragraphs 16 and 19, the amount of damages sought on behalf of the putative class exceeds \$5,000,000.00. The putative class consists of hundreds of thousands or more class members who seek to recover for the costs of inspecting and replacing the defective main boards of their Class Smart TVs and other further relief as described in this Complaint.

**ESTOPPEL FROM PLEADING AND TOLLING OF
APPLICABLE STATUTES OF LIMITATIONS**

67. Defendant Hisense has possessed exclusive knowledge about the Class Defect, including from its customer complaint and warranty records, internal emails, reports, analyses, and assessment of engineers, that is unavailable to Plaintiff and the proposed Class Members.

68. Hisense is estopped from relying on any statutes of limitation or repose due to its acts of concealment. Defendant knew about the Defect in the Class Smart TVs for years, but concealed it and/or failed to alert purchasers or potential purchasers. Defendant maintained exclusive control over information concerning the known, but non-public, defect and the number of Class Smart TVs at issue. Plaintiff and Class Members, therefore, could not reasonably have known about the Defect or the number of Class Smart TVs affected. Defendant is estopped from relying on any statutes of limitations or repose that might otherwise apply to the claims asserted herein.

EXPRESS AND IMPLIED WARRANTIES

69. For each Class Smart TV sold by Hisense, an express written warranty was issued which covered the television, including, but not limited to, the main board, and Hisense warranted the television to be free of defects in materials and workmanship at the time of purchase or lease.

70. Pursuant to its express and written warranties, Hisense warranted the

Class Smart TVs' main board to be free of defects in design, materials, and workmanship and that repairs and other adjustments would be made by authorized technicians, without charge, to correct defects in materials or workmanship which occurred during the first year of ownership.

71. Hisense also sold the Class Smart TVs to Class Members under implied warranties of merchantability and fitness for a particular purpose. Hisense impliedly warranted the Class Smart TVs to be merchantable, fit for the ordinary purposes for which they were intended to be used, including the guarantee that they were in a non-defective condition for use by their owners or lessees and were not otherwise injurious. Hisense is under a duty to design, construct, manufacture, inspect, and test the Class Smart TVs to make them suitable for the ordinary purposes of their use—viewing and enjoying entertainment programs.

72. Hisense breached its warranties for the Class Smart TVs as a result of the latent defects in the main board; denying the Defect in the main board when confronted with complaints of lag, bootlooping, and shut downs; failing to repair the televisions as warranted; and otherwise inadequately repairing the Defect through ineffective repairs or replacement of the defective main board with an equally defective main board.

73. In breach of Hisense’s warranties, the Class Smart TVs are defective, unsafe, unfit for the ordinary purposes for which they are intended to be used, and not merchantable.

FIRST CAUSE OF ACTION
Violation of the Magnuson-Moss Warranty Act
15 U.S.C. §§ 2301, *et seq.*
(on behalf of Plaintiff and the Nationwide Class)

74. Plaintiff, individually and for the Nationwide Class, hereby incorporates each and every allegation above as though fully set forth herein.

75. For each Class Smart TV, Hisense issued an express written warranty that covered the television, including, but not limited to the main board, and which warranted the television to be free of defects in materials and workmanship at the time of delivery.

76. Hisense breached its express warranties by offering for sale and selling defective televisions that were by design and construction defective, thereby subjecting the purchasers of the Class Smart TVs to damages and risks of loss.

77. Hisense breached its express warranties by failing to provide an adequate and lasting remedy to cure the Defect within a reasonable time, thereby subjecting the purchasers of the Class Smart TVs to damages and risks of loss.

78. Plaintiff and members of the class are “consumers” within the meaning of the Magnuson-Moss Act, 15 U.S.C. § 2301(3).

79. Defendant Hisense is a “supplier” and “warrantor” within the meaning

of the Magnuson-Moss Act, 15 U.S.C. § 2301(4) and (5).

80. The Class Smart TVs at issue are “consumer products” within the meaning of the Magnuson-Moss Act, 15 U.S.C. § 2301(6).

81. Defendant Hisense’s written and implied warranties relate to the future performance of its televisions because it promised that the main board of the Class Smart TVs would perform adequately for a specified period of time.

82. Defendant Hisense has breached and continues to breach its written and implied warranties of future performance, thereby damaging Plaintiff and similarly situated Nationwide Class members, when their Class Smart TVs fail to perform as represented due to an undisclosed main board defect. Hisense fails to fully cover or pay for necessary inspections, repairs and/or television replacements for Plaintiff and the Nationwide Class.

83. Plaintiff, members of Nationwide Class, and the public will suffer irreparable harm if Hisense is not ordered to properly repair all of the Class Smart TVs immediately, offer rescission to the Nationwide Class by repurchasing their Class Smart TVs for their full cost, recall all defective Class Smart TVs that are equipped with the defective main boards, and cease and desist from marketing, advertising, and selling the Class Smart TVs.

84. Hisense is under a continuing duty to inform its customers of the nature and existence of potential defects in the Class Smart TVs sold.

85. Such irreparable harm includes but is not limited to costly repairs as a result of the defects of the Class Smart TVs.

SECOND CAUSE OF ACTION
Breach of Express Warranties
(on behalf of Plaintiff and the Nationwide Class, or, alternatively, the New York Subclass)

86. Plaintiff, individually and for the Nationwide Class, or, alternatively, the New York Subclass, hereby incorporates each and every allegation as though fully set forth herein.

87. For each Class Smart TV sold by Hisense, an express written warranty was issued that covered the television, including but not limited to the main board, and which warranted the television to be free of defects in materials and workmanship at the time of delivery.

88. Hisense breached its warranties by offering for sale and selling defective televisions that were by design and construction defective, thereby subjecting the purchasers of the Class Smart TVs to damages and risks of loss.

89. Hisense breached its express warranties by failing to provide an adequate and lasting remedy to cure the Defect within a reasonable time, thereby subjecting the purchasers of the Class Smart TVs to damages and risks of loss.

90. Hisense's attempt to disclaim or limit these express warranties is unconscionable and unenforceable under the circumstances here.

91. Specifically, Hisense's warranty limitation is unenforceable because it

knowingly sold a defective product without informing consumers about the Defect.

92. The time limits contained in Hisense's warranty period were also unconscionable and inadequate to protect Plaintiff and members of the Class. Among other things, Plaintiff and Class Members had no meaningful choice in determining these time limitations, the terms of which unreasonably favored Hisense. A gross disparity in bargaining power existed between Hisense and the Class Members, and Hisense knew or should have known that the Class Smart TVs were defective at the time of sale and that the main board defect would manifest well before the end of their useful lives.

93. Plaintiff and the Class Members have complied with all obligations under the warranty, or otherwise have been excused from performance of said obligations as a result of Hisense's conduct described herein.

94. Hisense's breach of its express warranties proximately caused the New York Subclass to suffer damages in excess of \$5,000,000.00.

THIRD CAUSE OF ACTION
Breach of Implied Warranty
(on behalf of Plaintiff and the Nationwide Class, or, alternatively,
the New York Subclass)

95. Plaintiff, the Nationwide Class, and alternatively the State Subclass incorporates by reference each and every allegation as though fully set forth herein.

96. A warranty that the Class Smart TVs were in merchantable condition is implied by law.

97. These Class Smart TVs, when sold and at all times thereafter, were not in merchantable condition and are not fit for the ordinary purpose for which such smart TVs are used. Specifically, the Class Smart TVs are inherently defective in that there are defects in the Class Smart TVs' main board, which are not of high quality, and which fail prematurely and/or fail to function properly as detailed herein.

98. Plaintiff sent Hisense a notice letter prior to the filing of this action. Defendant was also provided notice of these issues by numerous informal and formal complaints filed against it, including the instant Complaint and the various complaints detailed herein, and by numerous communications sent by Plaintiff, the Nationwide Class Members, and alternatively State Subclass Members.

99. Any attempt by Hisense to disclaim or limit its implied warranties is unconscionable and unenforceable under the circumstances here.

100. Specifically, any attempt by Hisense to limit or disclaim its warranty limitation is unenforceable because they knowingly sold a defective product without informing consumers about the Defect.

101. As a direct and proximate result of Defendant's breach of the warranties of merchantability, Plaintiffs, Nationwide Class Members, and alternatively State Subclass Members have been damaged in an amount to be proven at trial.

FOURTH CAUSE OF ACTION
Equitable Injunctive and Declaratory Relief
(on behalf of Plaintiff and the Nationwide Class, or, alternatively,
the New York Subclass)

102. Plaintiff, the Nationwide Class, and alternatively the New York Subclass, hereby incorporates each and every allegation as though fully set forth herein.

103. Plaintiff, members of the New York Subclass, and the public will suffer irreparable harm if Hisense is not ordered to properly repair all of the Class Smart TVs immediately, offer rescission to the New York Subclass by repurchasing their Class Smart TVs for their full cost, recall all defective televisions that are equipped with the defective main boards, and cease and desist from marketing, advertising, and selling the Class Smart TVs.

104. Hisense is under a continuing duty to inform its customers of the nature and existence of potential defects in the televisions sold.

105. Such irreparable harm includes but is not limited to likely injuries as a result of the defects to the Class Smart TVs.

FIFTH CAUSE OF ACTION
Unfair and Deceptive Trade Practices in Violation of
N.Y. Gen. Bus. Law § 349, *et seq.*
(on behalf of Plaintiff and the New York Subclass)

106. Plaintiff, individually and on behalf of the New York Subclass, hereby incorporates by reference the allegations contained in all preceding paragraphs of this Complaint as though set forth fully herein.

107. Defendant's practices, acts, policies, and course of conduct, including its omissions, as described above, were intended to induce, and did induce, Plaintiff and New York Subclass members to purchase the above-mentioned Class Smart TVs with the Defect.

108. Defendant sold and/or leased the Class Smart TVs knowingly concealing that they contained the Defect alleged herein.

109. Defendant's acts are and were deceptive acts or practices, likely to mislead a reasonable consumer into purchasing a Class Smart TV. Hisense's aforementioned deceptive acts and practices are material, in part, because they concern an essential facet of the Class Smart TVs' functionality. The sale and distribution of the Class Smart TVs in New York was a consumer-oriented act and thereby falls under the New York deceptive acts and practices statute, N.Y. Gen. Bus. Law § 349, *et seq.*

110. Defendant's practices, acts, policies, and course of conduct violated N.Y. Gen. Bus. Law § 349, *et seq.*

111. At the time of sale, Defendant knowingly misrepresented and intentionally omitted and concealed material information regarding the Class Smart TVs by failing to disclose to Plaintiff and New York Subclass members the fact that the Class Smart TVs' main board is defective, that as a result of such defect, the Smart TVs' defective main boards fail prematurely, and that the cost of replacing or

repairing the defective main boards is high. This concealed or omitted information is the type of information upon which a consumer would be expected to rely on when deciding whether to purchase, or how much to pay for, the Class Smart TVs.

112. Thereafter, Defendant failed to disclose the Defect to Plaintiff and New York Subclass members either through warnings or recall notices and/or actively concealed from them the fact that the Class Smart TVs' main board is defective, despite the fact that the company knew of the Defect at least since the time of manufacturing, and at least at the point where Plaintiff made his purchase of the Class Smart TV.

113. Defendant forced Plaintiff and New York Class members to expend time and/or sums of money at its authorized repair centers and/or third-party repair centers to repair and/or replace the defective main boards, even though Defendant had prior knowledge of the Defect at the time of purchase.

114. Defendant also engaged in materially misleading deceptive acts and practices by advertising and selling a limited warranty while knowing that significant portions of the damages resulting from the known, but concealed, Defect would not be revealed to the consumer until after coverage expired thereunder.

115. Additionally, Defendant, in administering the limited warranty, engaged in materially misleading deceptive acts and practices by replacing defective main boards with the same defective parts.

116. Furthermore, Defendant engaged in materially misleading and deceptive acts by continuing to sell the Class Smart TVs to the consuming public and to represent that these televisions were in good working order, merchantable, and not defective, despite Defendant's knowledge that the televisions would not perform as intended, represented, and warranted and that the above-described Defect would cause purchasers to incur significant out-of-pocket costs and expenses.

117. This conduct is and was deceptive and false and constitutes an unconscionable, unfair, and deceptive act or practice in that Defendant has, through knowing, intentional, and material omissions, concealed the Defect.

118. By making these misrepresentations of fact and/or material omissions to prospective customers while knowing such representations to be false, Defendant has misrepresented and/or knowingly and intentionally concealed material facts and breached its duty not to do so.

119. Members of the public were deceived by Defendant's failure to disclose and could not discover the Defect themselves before suffering their injuries.

120. As a direct and proximate result of these unconscionable, unfair, and deceptive acts or practices, Plaintiff and New York Subclass members have been damaged as alleged herein and are entitled to recover actual damages to the extent permitted by law, including in inflated price injury, repair and replacement costs, and/or statutory damages, in an amount to be proven at trial.

121. Plaintiff and New York Subclass members seek restitution of the substantial sums of money they expended to replace their defective main boards as a result of the Defect, which Defendant knew about prior to the sale of the Class Smart TVs.

122. Plaintiff and New York Subclass members seek damages for lost time spent in attempting to have the main board defect repaired.

123. Plaintiff and New York Subclass members also seek appropriate equitable relief, including an order requiring Hisense to adequately disclose and remediate the Defect and an order enjoining Hisense from incorporating the Defect into its Smart TVs in the future.

SIXTH CAUSE OF ACTION

Unjust Enrichment

(on behalf of the Nationwide Class and, alternatively, the New York Subclass)

124. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint to the extent not inconsistent with the claims asserted in this Count. This claim is asserted in the alternative on behalf of Plaintiff and the members of the Nationwide Class and, alternatively, the New York Subclass, to the extent that there is any determination that Plaintiff does not have standing to assert any contractual claims asserted against Hisense on the alleged basis of absence of contractual privity or otherwise.

125. By its wrongful acts and omissions described herein, including selling

the Class Smart TVs with defective main boards, Hisense was unjustly enriched at the expense of Plaintiff and the Nationwide Class and New York Subclass.

126. Plaintiff and the Class members conferred a benefit upon Hisense by purchasing the Class Smart TVs at their full price for fully functional televisions equipped with appropriate and working main boards. Had Plaintiff and the Class members known of the Defect, they would not have bought, or would have paid less for, the Class Smart TVs.

127. Hisense knew that the Classes were purchasing the Class Smart TVs and still accepted the sum contemplated for fully functional televisions equipped with appropriate and working main boards.

128. Under the circumstances, it would be inequitable for Hisense to retain the profits, benefits, and other compensation obtained through its wrongful conduct in manufacturing, marketing and selling the Smart TVs with defective main boards to Plaintiff and the Classes. Natural justice and equity require that Plaintiff and the Classes recover under the circumstances.

129. Plaintiff, on behalf of themselves and all others similarly situated, seek restitution from Hisense, and an order of this Court proportionally disgorging all profits, benefits, and other compensation wrongfully obtained by Hisense through its conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgement as follows:

- a. For an order certifying the proposed classes and appointing Plaintiff and Plaintiff's counsel to represent the classes;
- b. For an order awarding Plaintiff and Class Members actual, statutory, punitive, and/or any other form of damages provided by and pursuant to the statutes cited above;
- c. For an order awarding Plaintiff and the Class Members restitution, disgorgement and/or other equitable relief provided by and pursuant to the statutes cited above or as the Court deems proper, including the repair of all Class Smart TVs, replacement or repurchase of all Class Smart TVs, and/or the refund of money paid to own all Class Smart TVs;
- d. For an order or orders requiring Hisense to adequately disclose and remediate the Defect and enjoining Hisense from incorporating the defective main boards into its televisions in the future;
- e. For punitive damages;
- f. For statutory damages as provided by law;
- g. For an order awarding Plaintiff and the Class Members pre-judgement and post-judgement interest;

h. For an order awarding Plaintiff and Class Members reasonable attorney fees and costs of suit, including expert witness fees; and

i. For an order awarding such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

The Plaintiff and each Class hereby demand trial by a struck jury of all issues triable by right.

DATED: September 26, 2024.

Respectfully submitted,

SHIVER HAMILTON CAMPBELL, LLC

/s/ Kyle G.A. Wallace

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